

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ANTHONY T. GROSE, SR.,)	
)	
Plaintiff,)	
)	
VS.)	No. 11-2562-JDT-cgc
)	
JACOB J. LEW, Secretary, United States)	
Department of the Treasury,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT
AND GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT

The *pro se* Plaintiff, Anthony T. Grose, Sr., filed this employment discrimination action against the U.S. Treasury Secretary (“Secretary”). (ECF No. 1.) On January 13, 2012, the Court dismissed the complaint except for the claims against the Secretary alleging discrimination on account of race, age, and disability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 *et seq.*, and the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.* (ECF No. 8.) On April 4, 2014, Plaintiff filed a motion for summary judgment (ECF No. 76), and Defendant filed a motion to dismiss or, alternatively, for summary judgment (ECF No. 77).

United States Magistrate Judge Claxton issued a Report and Recommendation (“R&R”) on July 30, 2014, in which she recommended that Defendant’s motion to dismiss

for failure to exhaust administrative remedies be granted as to the claims stemming from EEO administrative complaints EEODFS-06-0847-F and EEODFS-07-1159-M and denied as to the claims arising from EEODFS-08-0166-F. (ECF No. 83 at 5-13.) In addition, Magistrate Judge Claxton recommended the parties' motions for summary judgment be denied for failure to provide accurate citations to the evidence in the record, as required by Federal Rule of Civil Procedure 56(c) and Local Rule 56.1(a)-(b). (*Id.* at 17-20.)

On October 3, 2014, the Court adopted the R&R as to the motion to dismiss on the exhaustion issue. (ECF No. 98 at 4.) The Court also agreed that the motions for summary judgment should be denied, but allowed the motions to be renewed and set out specific requirements for briefing.¹ (*Id.* at 5-6.) After the motions for summary judgment were renewed (ECF Nos. 101 & 108), the Magistrate Judge issued another R&R on January 16, 2015 (ECF No. 113). She recommended that Plaintiff's motion for summary judgment be denied and that Defendant's motion be granted on the grounds that Plaintiff has failed to establish a *prima facie* case of discrimination under either the Rehabilitation Act, Title VII, or the ADEA.

Plaintiff filed timely objections to the R&R on February 6, 2015. (ECF No. 116.) The Court has reviewed the parties' motions and the applicable law, and has considered Plaintiff's objections. While he vigorously asserts that the Magistrate Judge's conclusions

¹ The Court noted that it was not necessary for Plaintiff to file a separate cross motion for summary judgment. Rather, he should raise all of his issues and arguments in his response to the Defendant's renewed motion. (*Id.* at 6 n.3.) Nevertheless, Plaintiff did title his document a "motion for summary judgment." (ECF No. 108.)

are incorrect and that both Magistrate Judge Claxton and the undersigned judge are biased against him, the Court finds that Plaintiff has still failed to establish a prima facie case of either race, age, or disability discrimination. Therefore, the Court agrees with the Magistrate Judge's recommendation. She has thoroughly explained her decision, and the issuance of a more detailed written opinion would be unnecessarily duplicative and would not enhance this Court's jurisprudence. Therefore, the Court ADOPTS the R&R. For the reasons set forth therein, Plaintiff's motion for summary judgment is DENIED, and the Defendant's motion for summary judgment is GRANTED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE